

In the Supreme Court of the State of Alaska

Dat Luong,

Petitioner,

v.

Western Surety Company,

Respondent.

Supreme Court No. **S-17593**

Order

Petition for Hearing

Date of Order: **4/8/2020**

Trial Court Case No. 3AN-18-06916CI

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and Carney,
Justices

On consideration of the Petition for Hearing filed by Dat Luong on 10/26/2019, the response filed by Western Surety Company on 12/16/2019, and the reply filed by Dat Luong on 1/22/2020,

IT IS ORDERED: The Petition for Hearing is **GRANTED IN PART**.

The petition is granted on two issues:

- (1) What constitutes “labor” under Alaska’s Little Miller Act, AS 36.25.020(b) and how does this definition apply to the facts of this case?
- (2) What is the effective date of “notice” under AS 36.25.020(b) – the date of mailing or the date of receipt?

Among any other cases or authorities the parties may wish to analyze, the parties shall address *Fleisher Eng’g & Constr. Co v. U.S., for Use & Benefit of Hallenbeck*, 311 U.S. 15, 19 (1940); *Ramona Equip. Rental, Inc. ex al. U.S. v. Carolina Cas. Co.*, 755 F. 3d 1063, 1069 (9th Cir. 2014); *Montgomery Cty. Bd. of Ed. for Use of Carrier Corp v. Glassman Constr. Co.*, 245 Md. 192, 201- 04 (Md. 1967).

Simultaneous, informal briefing shall proceed on the following schedule: opening memoranda are due on or before **5/8/2020**, and responsive memoranda are due on or before **5/26/2020**. Memos should be filed electronically at pleadings@akcourts.us. The Clerk’s office will contact the parties if hard copies are needed.

Entered at the direction of the court.

Luong v. Western Surety Co.
Supreme Court No. S-17593
Order of 4/8/2020
Page 2

Clerk of the Appellate Courts

/s/ M. Montgomery

Meredith Montgomery

cc: Supreme Court Justices
Trial Court Judge
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